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Application No. 09/926,747
Docket No. 740123-402**REMARKS**

By the above actions, the specification, claims 19-22 & 28 have been amended, and claims 23 and 25-27 have been canceled. In view of these actions and the following remarks, reconsideration of this application is now requested.

The specification was objected to and claims 21, 22, and 35 were rejected under the first paragraph of 35 USC § 112 due to the meaning of the terms ASIC, SMD and extrusion-coated conducting components being unclear to the examiner. While these terms are well known in the electrical arts, in view of the Examiner's confusion as to their meaning, the specification has been amended to provide the terminology for which ASIC and SMD are established acronyms and to clarify the meaning of the term extrusion-coated conducting components. Furthermore, claims 21 and 22 have been amended to substitute to provide the terminology for which ASIC and SMD are established acronyms, while no action is believed necessary relative to claim 35 since the meaning of extrusion-coated conducting components would be clear to those of ordinary skill in the art, particularly in light of the addition of amendment made to the specification to restate in other terms what is meant by extrusion-coated conducting elements. In view of these actions, this objection and rejection should now be withdrawn and such action is respectfully requested.

Claims 20-22 and 35 were also rejected as being indefinite under 35 USC § 112, second paragraph. To the extent that this rejection is based on the same terminology as formed the basis of the objection and rejection commented upon in the preceding paragraphs, the actions indicated to have been taken with respect to claims 20 & 21 should address this rejection as well and no action need be taken relative to claim 35 for the very same reasons noted above. As for claim 35, the term "within a contour of the worm wheel," such was not intended to be taken as literally within the worm wheel, but rather, as shown in the drawings, but rather that they are not located outward relative to the periphery of the worm wheel. However, to address the confusion created by the original terminology, the specification and claim 35 have been amended to more clearly conform with the showing of Figs. 3 & 4 by specifying that the location is "within an area defined by a perpendicular projection of the contour of the worm wheel." In view of these

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actions, withdrawal of the § 112 rejection for indefiniteness is in order and is now requested.

All of the claims stand rejected under 35 USC §§ 102/103 based on the patent to Mochizuki et al., either by itself or in combination with one of the Kenney et al. and Schneider et al. patents. To the extent that these rejections relate to amended claim 19, they should be withdrawn for the following reasons.

Firstly, Mochizuki et al. disclose that a separate circuit board 11 with printed circuit components and chip components are fixedly attached to a flat portion 9a of a cover 9, preferably by bonding; see, column 3, lines 31-55. In contrast, amended claim 19 specifies that gear box has a box cover "made of electrically insulating plastic material on which the electronic components are directly mounted and to which printed conductors are applied for electrical connection of the electronic components." Thus, the present invention, advantageously, eliminates the need for a separate circuit board since the circuit and components are carried directly by the cover of the gearbox, and thus, reduces the weight, cost of manufacture and height of the drive, a reduction in height being particularly valuable for the drive of a sliding-lifting roof which is mounted within the vehicle roof where each millimeter of reduced height increases the available headroom within the vehicle.

As for the Kenney et al. patent, while they disclose a gearbox made of plastic, they merely disclose formation of electrically resistive strips 72, 78 and electrically conductive strips 74, 80, 84 on the cover and the direct connection of terminals 76, 82, 86 for electrical leads to the cover, but no mention or suggestion of attaching electrical components for controlling the operation of their electric motor is contained in this patent. To the contrary, a printed circuit board 54 with electrical components is mounted, instead, within lugs 50 provided with the body 12 of the gearbox and which presumably carries the switching control. Thus, any combination of the Mochizuki et al. with the Kenney et al. patent would naturally possess a separate circuit board carrying the electrical components for controlling the operation of their electric motor since neither suggests to do otherwise, both making use of a separate circuit board in contrast to the present invention's direct mounting of the electronic components to the gearbox cover along with the application of the printed conductors for electrically connecting the electronic components to the cover.

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The Schneider et al. patent is merely cited for its teaching of forming a gear cover connector receptacle and brush plate out of a single piece of plastic. Even if such a teaching were incorporated into the motor system of Mochizuki et al., the deficiencies in the ability of the other references to suggest the invention of amended claim 19, noted above, would still remain.

Thus, for all of the above reasons, it is submitted that the subject matter defined by amended claim 19 is not obvious from any combination of the references relied upon by the Examiner. Accordingly, the rejections under §§ 102/103 should be withdrawn and such action is now requested.

The Examiner's attention is directed to the prior art cited by the International Search Authority, copies of which have been indicated to have been received by the PTO on Notice of Acceptance issued April 1, 2002, and relative to which applicants have submitted by a PTO-1449 form for use by the Examiner in making these references officially of record. An Examiner-initialed copy of this form was not returned with the Examiner's Action and it is requested to provide same with his next Office Action.

The prior art that has been cited, but not applied by the Examiner has been taken into consideration during formulation of this response. However, since this art was not considered by the Examiner to be of sufficient relevance to applying against any of the claims, no detailed comments thereon is believed to be warranted at this time.

While the present application is now believed to be in condition for allowance, should the Examiner find some issue to remain unresolved, or should any new issues arise, which could be eliminated through discussions with applicant's representative, then the Examiner is invited to contact the undersigned by telephone in order that the further prosecution of this application can thereby be expedited.

Respectfully submitted,

By: David S. Safran
Registration No. 27,997NIXON PEABODY LLP
8180 Greensboro Drive, Suite 800
McLean, Virginia 22102
(703) 770-9300

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